

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA A. MARTINEZ,

Defendant.

Case No. 2:21-cr-00219-APG-DJA

**Order Denying Motion for Case-Specific  
Jury Questionnaire**

[ECF No. 58]

Defendant Joshua Martinez moves for use of a case-specific jury questionnaire. ECF No. 58. Martinez is concerned about racial bias and that some jurors will “overvalue the testimony of government agents or law enforcement officers acting in their official capacity.” *Id.* at 2-3. Such issues are normally sussed out during voir dire. Martinez does not explain why his attorneys cannot adequately do that in this case.

In addition, sending a case-specific jury questionnaire is an inefficient, labor-intensive task that is not necessary in this case. In this district, jurors are summoned approximately three weeks in advance for all trials that are set on the same trial stack in this division. Along with a summons, jurors receive a generic questionnaire. Many people do not respond to the questionnaire ahead of time, and many people ignore the summons and never show up for jury duty. Those who report for jury duty are then randomized for assignment to a trial. Thus, until the morning of the trial, it is unknown which jurors will be selected for which trial.

Questionnaires would have to be sent to all potential jurors for all trials on the stack. And the responses would then have to be compiled, copied, and distributed. Those jurors who report without completing a questionnaire would have to fill it out on the morning of trial, and those would have to be compiled, copied, and distributed. There is no need to expend the court’s

1 limited resources for a questionnaire in this case (which presents no unique or difficult qualities),  
2 when traditional voir dire can address Martinez's concerns.

3 Finally, to address Martinez's other requests,<sup>1</sup> I routinely allow attorneys to conduct  
4 limited voir dire of the jury pool, and I routinely show the jury pool the video about  
5 subconscious bias that was created by the United States District Court for the Western District of  
6 Washington. I will do that in this case as well. We can discuss the details at calendar call.

7 I THEREFORE ORDER that the defendant's motion for a case-specific jury  
8 questionnaire (**ECF No. 58**) is **denied**.

9 DATED THIS 9th day of May, 2023.

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UNITED STATES DISTRICT JUDGE

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23 <sup>1</sup> Martinez states in his motion that, contemporaneously with his motion, he is filing a motion for attorney-conducted voir dire and a "motion for the jury pool to view the unconscious bias juror video created by the United States District Court for the Western District of Washington." ECF No. 58 at 3-4. He has not filed those motions.